

**ANNUAL REPORT
OF THE
NATURAL RESOURCES
STUDY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

November, 1998

Natural Resources Study Committee

Membership Roster

Senators

Greg Server, Chair
Evansville

Harold Wheeler
Larwill

Allie Craycraft
Selma

James Lewis
Charlestown

Representatives

Markt Lytle
Madison

James Bottorff
Jeffersonville

Richard Mangus
Lakeville

Phyllis Pond
New Haven

Legislative Services Agency Staff

Bernadette Bartlett
Fiscal Analyst for the Committee

Jeannette Adams
Staff Attorney for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES

The Indiana General Assembly enacted legislation directing the Natural Resources Study Committee (NRSC) to conduct a continuing study of the laws relating to the Department of Natural Resources (DNR) to the end that legislation may be proposed to better serve the citizens of Indiana. The Committee is to consult with representatives of the DNR and citizens of Indiana for the purpose of proposing legislation to accomplish the following:

- repeal of outmoded or unnecessary laws;
- consolidation and restatement of existing laws;
- improved coordination of state laws with federal laws; and
- addition or amendment of laws that will further the purpose for which the DNR was created.

The General Assembly has also instructed the Committee to advise and assist the DNR in programming its activities and in developing a long-range plan for land acquisition, capital improvement, and development of facilities. (IC 2-5-5-1)

In addition to the above charges, the Committee is also required to oversee the Water Resources Management Program and to report findings and recommendations to the General Assembly through the Legislative Council. (IC 14-25-7-1)

The Legislative Council assigned the following additional responsibilities to the Committee for the 1998 interim:

- to study the wild turkey season in Indiana (HR 23); and
- to study the problems caused by the overlap between the long bow/compound bow deer hunting season and the crossbow deer hunting season.

II. INTRODUCTION AND REASONS FOR STUDY

The NRSC met to carry out its responsibilities under IC 2-5-5-1 and IC 14-25-7-1 and to consider the topics assigned by the Legislative Council.

III. SUMMARY OF WORK PROGRAM

The Committee met three times on the following dates during the 1998 interim: July 28, August 13, and October 27. During Committee meetings, Committee members, representatives of the DNR, and citizens and interested parties of the State offered 23 topics for study; 19 were discussed at length.

During the first meeting, the Committee considered testimony pertaining to the following topics:

- Changing the Statutory Definition of Nursery Stock;
- Changing the Types of Nursery Stock Facilities That Must Be Inspected;
- Protecting the Keeping of Birds of Prey by Licensed Falconers;
- Pay Raises for DNR Professional Employees;
- Unavailability of a Sufficient Number of Seedlings from DNR Nurseries;
- Acceleration of the Indiana Geological Survey Mapping Program;
- Use of Revenue Generated by the Registration of Off-road Recreation Vehicles; and
- Increase in Fees for Snowmobile Registrations.

A number of other topics were also introduced at this initial meeting, but these topics were discussed at length at subsequent meetings.

During the second meeting, the Committee discussed the following topics:

- Silt Problems at Lake Shafer and Lake Freeman;
- Problems Caused by the Overlap Between the Long Bow/Compound Bow Deer Hunting Season and the Crossbow Deer Hunting Season;
- Changing the Types of Nursery Stock Facilities That Must Be Inspected;
- Invasion of the Gypsy Moth;
- Inns at State Parks; and
- The "Clean Water Indiana" Program.

During the third meeting, the Committee discussed the following topics:

- Desecration of Graves;
- Hunting and the Use of Alcohol;
- The Wild Turkey Population;
- Fishing on Lake Michigan; and
- Acquisition of Coal Mine Lands by the DNR.

At the final meeting, the Committee recommended legislation.

IV. SUMMARY OF TESTIMONY

The Committee received testimony from members of the Indiana General Assembly, numerous DNR professionals, representatives of various interested parties and associations, and private citizens. A summary of the testimony by topic is provided below.

Changing the Statutory Definition of Nursery Stock. Representatives of the DNR advocated changing the types of nursery stock facilities that must be inspected by the DNR. Under current law the DNR is required to inspect smaller facilities that do not export stock from Indiana or import stock into Indiana. This lack of transport across state lines decreases the likelihood that the stock would be contaminated by a disease foreign to the state. The DNR suggested that resources would be more wisely used if the DNR had the authority to focus on larger facilities that receive or transport stock across state lines.

Protecting the Keeping of Birds of Prey by Licensed Falconers. The Indiana Sportsmen's Round Table asked for legislation to protect the keeping of birds of prey held by licensed falconers under the joint federal/state falconry license from any laws, ordinances, regulation, etc., which may be or have been passed by local towns, cities, counties, municipalities, or other governmental entities in Indiana that may restrict the possession of the birds held under the federal/state falconry license.

Unavailability of a Sufficient Number of Seedlings from the DNR Nurseries.

Although the production of DNR seedlings has increased during the past year from 4.5 million to 5.5 million, the demand still exceeds the supply.

Acceleration of the Indiana Geological Survey Mapping Program. The Indiana Geological Survey is interested in accelerating the time table for mapping the state. Acceleration of the program will require an additional appropriation of \$500,000 per year for two years to provide needed staffing, services, and equipment. About 10% of Indiana is mapped. The mapping program may enable the state to participate in certain federal funding programs.

Use of Revenue Generated by Off-road Recreation Vehicle Registrations. The Discovery Indiana Riding Trails Association recommended changes to IC 14-16-1-10 to allow land acquisition for off-road vehicles.

Increase in Fees for Snowmobile Registrations. The Indiana Snowmobilers Association expressed an interest in having the registration fee for snowmobiles increased.

Pay Raises for DNR Professional Employees. The Indiana Resource Managers Association thanked the Committee for its work in obtaining pay raises for DNR professional employees. Over 700 people received upgrades with increases ranging from 9% to 15%, in addition to the 4% per year increase for all state employees, placing Indiana at 90% of the median of other states.

Silt Problems at Lake Shafer and Lake Freeman. The Shafer-Freeman Lakes Association provided the Committee with an update on efforts made to address silt problems at Lakes Shafer and Freeman.

Problems Caused by the Overlap Between the Long Bow/Compound Bow Deer Hunting Season and the Crossbow Deer Hunting Season. The DNR testified that no major problems associated with the crossbow season were reported. However, the season is new, and the Department would like a few more seasons to gather and analyze data on participation rates as well as any violations or problems (or lack thereof) that occur during the season.

Invasion of the Gypsy Moth. The DNR provided an overview of damages associated with gypsy moth infestations in Pennsylvania, New England, and Northern Michigan. In Indiana, gypsy moths have infested portions of Steuben County. St. Joseph and Elkhart Counties may also be experiencing infestations.

Inns at State Parks. The DNR provided the Committee with an overview of the direction that the DNR wishes to pursue in regard to the maintenance and rehabilitation of state parks.

The “Clean Water Indiana” Program. The Indiana Association of Soil and Water Conservation Districts provided the Committee with an overview of the Clean Water Indiana Program, which replaces the former T by 2000 water conservation program.

Desecration of Graves. The Committee discussed issues associated with the desecration of graves. Under Indiana law, an individual who owns property that contains a cemetery may alter the cemetery **surface** without a permit or oversight from any level of government. A property owner may remove, discard, or even sell grave markers. A property owner may grant consent to anyone to enter the property to remove or discard grave markers. Although the desecration is often the inadvertent result of activities by well-intentioned individuals, the law does not prohibit this desecration.

Hunting and the Use of Alcohol. The Indiana Hoosier Conservation Alliance advocated prohibiting hunting and the use of alcohol.

The Wild Turkey Population. Glenn Lange, Chief of Wildlife, Division of Fish and Wildlife, DNR, provided the Committee with an overview of the wild turkey population.

Fishing on Lake Michigan. Bill James, Chief of Fisheries, DNR, explained the progress that has been made in re-establishing the perch population that was decimated in recent years due to fishing pressures and a disastrously low natural reproduction rate since 1998.

Acquisition of Coal Mine Lands by the DNR. John Davis, Director of the DNR’s Division of Land Acquisition, provided the Committee with an overview of recent land acquisitions and negotiations by the DNR.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee considered the following proposed drafts:

PD 3163 provides that the DNR's Division of Entomology and Plant Pathology is required to make an annual inspection of plant nurseries that import stock into and export stock from Indiana.

The Committee voted to recommend the proposal with five members voting aye and three members absent.

PD 3515 requires a local governmental entity that wishes to adopt a regulation that affects the practice of falconry by persons holding a falconry license issued by the DNR to reasonably accommodate license holders by adopting the minimum practicable regulation required to accomplish a legitimate purpose of the local governmental entity.

The Committee voted to recommend the proposal with five members voting aye and three members absent.

PD 3507 increases the license fee from \$15 to \$30 for the registration of a snowmobile with the DNR. It also increases the duration of a certificate of registration from three years to six years.

The Committee voted to amend the proposal with five members voting aye and three members absent. The amendment deleted the provision that increased the term of registration from three years to six years, and provided that the DNR could purchase land only from willing sellers.

The Committee voted to recommend the proposal as amended with five members voting aye and three members absent.

PD 3525 appropriates \$500,000 per year in the 1999-2001 biennium from the State General Fund to the Indiana Geological Survey to enable the Survey to accelerate the process of creating geologic maps of Indiana.

The Committee voted to recommend the proposal with five members voting aye and three members absent. Sen. Server explained his support of the proposal, noting that good information is needed to properly develop and manage the land.

PD 3595 requires the DNR to acquire land for the purpose of establishing off-road vehicle trails. The proposal provides that the DNR may use revenue obtained from the registration of off-road vehicles for land acquisition for off-road vehicle trails.

The Committee voted by consent to amend the proposal to provide that the DNR may (as opposed to shall) purchase land for off-road vehicle use.

The Committee did not recommend the proposal by a vote of four ayes and one nay with three absent. (A majority of five was needed to recommend the proposal.)

Creation of a Fall Turkey Hunting Season. The Committee voted to recommend the concept of having a fall turkey hunting season by a vote of five ayes with three absent.

WITNESS LIST

The Honorable Tom Saunders, Representative, Indiana House of Representatives

Representatives of the Indiana Department of Natural Resources

Larry Macklin, Director,
Lori Kaplan, Deputy Director
Colonel Larry Allen, Director, Division of Law Enforcement
John Davis, Director, Division of Land Acquisition
Greg McCollam, Chief of Administrative Services, Division of Fish and Wildlife
Gary Mill, Deputy Director, Inns and Concessions
Jerry Pagac, Director, Division of State Parks and Reservoirs
Bill Stuart, Legislative Liaison
Dr. Bob Waltz, Director, Division of Entomology and Plant Pathology

Other Associations and Interested Parties

Everett Ballentine, Indiana Forestry and Woodland Owners Association
Woody Barton, Sycamore Trails
Larry Becker, President, Indiana Nursery and Landscape Association
Phil Carew, Indiana Hardwood Lumber Association
Vicki Carson, Indiana Hardwood Lumber Association
Edgar Corns, Indiana Association of Soil and Water Conservation Districts
John A. Crone, National Rifle Association
Kerry Daily, Christopher B. Burke Engineering, Ltd.
Gary DeLong, Indiana Trails Advisory Board
Steve Grabber, Soil and Water Conservation District, DeKalb County
Marvin Harbert, Private Citizen
Bill Hayden, Sierra Club
Ronald P. Hellmich, Indiana Resource Managers Association
Gene Hopkins, Indiana Bow Hunters Association
Bill Huey, Indiana Falconers Association
Christa Jones, Indiana Association of Soil and Water Conservation Districts
Daryl Johns, Shafer-Freeman Lakes Association
Brian Kiefer, Indiana Falconers Association
Bob Kraft, Director, State Government Relations, Indiana Farm Bureau
Tim Mahoney, Hoosier Environmental Council
Carey McKibben, Indiana Association of Soil and Water Conservation Districts
Dick Mercier, Indiana Sportsmen's Round Table
Bill Miller, Sycamore Trails
Robert Miller, Sycamore Trails
Nat Noland, Indiana Coal Council
Phil Ohmit, Hoosier Conservation Alliance
Gene Schmidt, Indiana Association of Soil and Water Conservation Districts
Al Schuelker, Ft. Wayne-Allen County Snowmobile Association
Dr. John Steinmetz, Director, Indiana Geological Survey
Deak Thorton, Indiana Snowmobiles Association
Robert Todd, Indiana Falconers Association
Mike Warner, Hoosier Heartland